

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

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JAMES J. DAVIS
LA. DOC. #342249

DOCKET NO. 14-CV-548; SEC. P

VERSUS

JUDGE DEE D. DRELL

ERVING YOUNG, ET AL.

MAGISTRATE JUDGE JAMES D. KIRK

SUPPLEMENTAL REPORT AND RECOMMENDATION

Pro se Plaintiff, James J. Davis, proceeding in forma pauperis, filed the instant civil rights complaint pursuant to 42 U.S.C. §1983 and state tort law on March 13, 2014, and amended complaint on July 31, 2014. The suit was dismissed on October 10, 2014. [Doc. #22] Plaintiff appealed, and the judgment was affirmed as to all claims except Plaintiff's state law claims. In remanding the state claims, the appellate court noted that, "...because all federal law claims have been dismissed, the district court may choose to dismiss the state law claims to allow them to be litigated in state court. See 28 U.S.C. §1367(c)(3)." [Doc. #30]

Under 28 U.S.C. § 1367(c)(3), a district court may decline to exercise supplemental jurisdiction over a related claim if the district court has dismissed all claims over which it has original jurisdiction. When a court dismisses all federal claims before trial, the general rule is to dismiss any pendent state claims. See Bass v. Parkwood Hosp., 180 F.3d 234, 242 (5th Cir. 1999) (citing Wong v. Stripling, 881 F.2d 200, 204 (5th Cir. 1989)).

Because all of Plaintiff's federal claims have been dismissed,

IT IS RECOMMENDED that Petitioner's state law claims be **DISMISSED** WITHOUT PREJUDICE.

Objections

Under the provisions of 28 U.S.C. §636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have fourteen (14) calendar days from service of this Report and Recommendation to file specific, written objections with the clerk of court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. No other briefs or responses (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before he makes his final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE TO WHICH THE PARTY DID NOT OBJECT.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 14th day of December, 2015.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE